

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Erie 1 BOCES	)	
Western New York Regional Information Center	)	
West Seneca, New York	)	
	)	
on behalf of	)	
	)	
Prattsburgh Central School District	)	File No. SLD-134617
Prattsburgh, NY	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 18, 2004**

**Released: February 19, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review by Erie 1 BOCES Western New York Regional Information Center filed on behalf of Prattsburgh Central School District (Prattsburgh).<sup>1</sup> Prattsburgh seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), denying 32 of Prattsburgh's Funding Year 1999 funding requests for support under the schools and libraries universal service mechanism.<sup>2</sup> For the reasons discussed below, we grant the Request for Review and remand to SLD for further consideration of the requests.

2. The Commission's competitive bidding rules require that an applicant submit to the Administrator a completed FCC Form 470, in which the applicant lists the services for which it seeks discounts.<sup>3</sup> The Administrator assigns each FCC Form 470 a unique identifying number,

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<sup>1</sup> Letter from Mat Dziuba, Erie 1 BOCES Western New York Regional Information Center, to Federal Communications Commission, filed April 12, 2000 (Request for Review).

<sup>2</sup> Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (December 1998) (FCC Form 470); 47 C.F.R. § 54.504(b); *Federal-State Joint Board on Universal Service*,

which in Funding Year 1999 was called a Universal Service Control Number (USCN). The Administrator must then post the FCC Form 470 on its website and the applicant is required to wait 28 days before making a commitment to a selected service provider.<sup>4</sup> The Commission's rules provide a limited exemption from the 28-day competitive bidding requirement for applicants that have pre-existing contracts as defined by the Commission's rules.<sup>5</sup> After the FCC Form 470 has been posted for 28 days, and the applicant has selected a service provider, the applicant must submit to the Administrator an FCC Form 471, which lists the services that have been ordered.<sup>6</sup>

3. The record shows that Prattsburgh electronically filed two separate Funding Year 1999 Forms 470 relevant to the pending Request for Review. It appears that the first Form 470, USCN 318000000149001, which did not list Prattsburgh as an eligible entity, was inadvertently submitted prior to completion, and was posted to SLD's website on January 22, 1999.<sup>7</sup> A second Form 470 -- which included Prattsburgh -- was given a second control number, USCN 653700000151778, and posted to SLD's website on the same day, January 22, 1999.<sup>8</sup>

4. In its FCC Form 471, Prattsburgh cited to the first Form 470, USCN 318000000149001, for all funding requests included in the application.<sup>9</sup> In a Funding Commitment Decision Letter issued July 8, 1999, SLD denied these requests, stating that the types of services requested had not been posted, and that the 28-day bidding period was therefore not satisfied.<sup>10</sup> Prattsburgh appealed to SLD, attaching a portion of the second, completed Form 470, and asserting that this Form 470 supported the request.<sup>11</sup> On March 31, 2000, SLD denied the appeal, finding again that the request was not properly posted.<sup>12</sup> Prattsburgh then filed the pending Request for Review.<sup>13</sup>

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CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9078-9079 (1997) (*Universal Service Order*) (subsequent history omitted).

<sup>4</sup> 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 1998) (FCC Form 471).

<sup>5</sup> 47 C.F.R. § 54.511(c).

<sup>6</sup> 47 C.F.R. § 54.504(c).

<sup>7</sup> FCC Form 470, Erie 1 BOCES, filed January 11, 1999 (USCN 318000000149001).

<sup>8</sup> FCC Form 470, Erie 1 BOCES, filed January 11, 1999 (USCN 653700000151778).

<sup>9</sup> FCC Form 471, Prattsburgh Central School District, filed March 31, 1999, at 2.

<sup>10</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Matt Dziuba, Prattsburgh Central School District, dated July 8, 1999.

<sup>11</sup> Letter from Patrick Doyle, Erie 1 BOCES, to Schools and Libraries Division, Universal Service Administrative Company, filed July 29, 1999 (SLD Appeal Letter).

<sup>12</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to James McCormick, Prattsburgh Central School District, dated March 16, 2000.

<sup>13</sup> Request for Review.

5. Upon reviewing the record, we find that the second Form 470, USCN 653700000151778, does support the funding requests at issue in the instant Request for Review. Prattsburgh did attach a portion of the correct FCC Form 470 in its Appeal to SLD.<sup>14</sup> We find it appropriate to grant the appeal because SLD normally grants appeals when the applicant has cited the wrong Form 470 in an FRN but did have a Form 470 that supports the FRN and cites that correct Form 470 in its appeal to SLD.<sup>15</sup> We therefore reverse and remand Prattsburgh's application for further consideration in light of Form 470 USCN 653700000151778.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on April 12, 2000, by Erie 1 BOCES Western New York Regional Information Center filed on behalf of Prattsburgh Central School District, is GRANTED and this application is remanded to SLD for further action consistent with this opinion.

FEDERAL COMMUNICATIONS COMMISSION

Narda Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>14</sup> SLD Appeal Letter, at attachment.

<sup>15</sup> See SLD Website, <[www.sl.universalservice.org/reference/AppealsSLDGuidelines.asp](http://www.sl.universalservice.org/reference/AppealsSLDGuidelines.asp)>.